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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,778	08/28/2003	Stefan Holz	1454.1497	5851

21171	7590	11/17/2005

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER
ESCALANTE, OVIDIO

ART UNIT	PAPER NUMBER
2645	

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 August 2003*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
   application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is in response to applicant's response filed on August 19, 2005. **Claims 1-10**

are now pending in the present application.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Tiliks et al. US

Patent 2003/0076941.

Regarding claim 1, Tiliks teaches a method of managing incoming calls in a

communications system (abstract) comprising the steps of:

upon receipt of a call checking if a pre-defined availability status allocated to a recipient

of the call is activated, (paragraphs 0075, 0083, 0094-0096);

upon activation of a pre-defined availability status applying a pre-defined filter rule to the

call in accordance with the activated availability status, (paragraphs 0090 and 0097); and

executing a call handling action associated with the activated availability status,

(paragraphs 0090 and 0097).

The Examiner notes that since the claims are written in the alternative "or" format, the

Examiner has taken the broader reading of one of the incoming call or incoming message, and

thus will only address the incoming call limitation.

Regarding claim 2, Tiliks,. as applied to claim 1, teaches wherein the availability status is selectable for activation by the recipient of the call, (paragraph 0083).

Regarding claim 3, Tiliks, as applied to claim 2, teaches wherein only one availability status is activated at a time, (paragraph 0083).

Regarding claim 4, Tiliks, as applied to claim 1, teaches wherein any call is signalized and routed to the recipient by applying the filter rule relating to an availability status in which the recipient is prepared to receive calls, (paragraphs 0090 and 0097).

Regarding claim 5, Tiliks, as applied to claim 1, teaches wherein only calls originating from a pre-determined set of callers are signalized and forwarded to the recipient by applying the filter rule, (paragraphs 0090 and 0097).

Regarding claim 6, Tiliks, as applied to claim 1, teaches wherein any call is forwarded to an other pre-defined recipient by executing the call handling action, (fig. 11; paragraph 0145).

Regarding claim 7, Tiliks, as applied to claim 1, teaches wherein the call message handling action comprises notifying the recipient of attempted communication by means of a message directed to a selected communication device allocated to the recipient, (paragraph 0147).

Regarding claim 8, Tiliks, as applied to claim 1, teaches wherein the call is routed to a destination associated with an entry in a personal scheduler of the recipient, (fig. 11; paragraphs 0141 and 0145).

Regarding claim 9, Tiliks teaches an Apparatus for managing incoming calls in a communications system (abstract) comprising:

means for checking, upon receipt of a call, if a pre-defined availability status allocated to a recipient of the call is activated, (paragraphs 0075, 0082, 0094-0096);

means for applying, upon activation of a pre-defined availability status, a pre-defined filter rule to the call in accordance with the activated availability status, (paragraphs 0090 and 0097); and

means for executing a call handling action associated with the activated availability status, (paragraphs 0090 and 0097).

Regarding claim 10, Tiliks teaches a Computer program product stored on a computer usable medium (abstract) comprising:

computer readable means for causing a computer to check, upon receipt of a call, if a pre-defined availability status allocated to a recipient of the call is activated, (paragraphs 0075, 0082, 0094-0096);

computer readable means for causing the computer to apply, upon activation of a pre-defined availability status, a pre-defined filter rule to the call in accordance with the activated availability status, (paragraphs 0090, 0097); and

computer readable means for causing the computer to execute a call handling action associated with the activated availability status, (paragraphs 0090 and 0097).

Response to Arguments

4.   Applicant's arguments filed August 19, 2005 have been fully considered but they are not persuasive.

Applicants contend that Tiliks does not teach "checking if a pre-defined availability status allocated to a recipient of the call is activated." The Examiner respectfully disagrees.

The method provided by Tiliks is based upon at least one time <u>schedule</u> associated with the subscriber. The schedule includes activation and deactivation times for controlling and monitoring telephone calls. When a subscriber activates a time schedule they are informing the system when they are available to handle calls and when they are not available to handle calls. While Tiliks also allows caller to bypass this routine with a special code, this is merely an additional feature of Tiliks and a subscriber can chose whether or not to invoke this service. Nonetheless, for normal call processing when a call arrives the system, based on the subscribers schedule, which indicates there availability to receive calls, the system will determine whether or not to allow a call to go through to the subscriber.

The Applicant focuses on the aspect that the availability of the recipient in Tiliks makes no different since only whether the incoming call is on a restricted list is determined. The Examiner would like to further emphasize that given the broad claim limitation, of checking if a pre-defined availability status allocated to a recipient is activated, then Tiliks clearly anticipates this since schedules are used to determine your availability for certain tasks. Clearly schedules as used in Tiliks is used to determine when a subscriber wants to receive calls. The Example provided in paragraph [0096] also follows this in which the SCP determines whether the subscriber telephone is associated with the call monitoring service, whether the call blocking feature of the service is active according <u>to the time of day, day of week schedule...</u>".

Further examples that clearly indicated that the schedule is used for availability purposes is shown throughout the patent application of Tiliks. For example, Tiliks teaches if a family wishes not to be disturbed at dinner time, the subscriber initiates an incoming call blocking service to avoid receiving all incoming calls from 5:30 p.m. to 7:00 p.m. Similarly, a business

that conducts a daily staff meeting from 8:00 a.m. to 9:00 a.m. redirects all incoming calls to an answering service. This also clearly reads on availability since a user lets the system known that for normal calls they are "not available" for calls at dinner time. Also the subscriber may desire to restrict all incoming calls after 9:00 p.m. (other than priority calls) to avoid being disturbed at home in the evening. This also shows that they want to indicate that they are unavailable after 9:00 PM so that they will not get disturbed.

Since Tiliks clearly teaches checking if a pre-defined <u>availability</u> status allocated to a recipient of the call is activated, then the rest of limitations is fully supported by Tiliks since the availability status indicates how a call should be handled.

Conclusion

5.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6.   Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450
Alexandria, Virginia 22313-1450

or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

(571) 273-7537, (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to:

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ovidio Escalante whose telephone number is 571-272-7537. The

examiner can normally be reached on M-Th from 6:30 AM to 4:00 PM. The examiner can also

be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Fan S Tsang can be reached on 571-272-7547. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**OVIDIO ESCALANTE
PATENT EXAMINER**

Ovidio Escalante
Primary Patent Examiner
Group 2645
November 1, 2005

O.E./oe